

MULTIMEDIA



UNIVERSITY

STUDENT ID NO

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MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 2, 2019/2020

PIL0014 – INTRODUCTION TO LAW
(Foundation in Management)

28 FEBRUARY 2020
3.00 p.m. – 5.00 p.m.
(2 Hours)

INSTRUCTIONS TO STUDENTS:

1. This Question paper consists of six (6) printed pages including the cover page.
2. Answer **ALL THIRTY-TWO (32)** questions in **Sections A, B and C**.
3. Please write all your answers in the Answer Booklet provided.

SECTION A – TRUE/FALSE QUESTIONS (30 MARKS)

1. Romeo is a 15 years old boy who has been caught stealing 2 books worth RM100 from a book shop. He will be charged in the Magistrate Court for stealing and may face imprisonment and/or fine.
2. According to Sir John Salmond, law is defined as the body of principles recognized and applied by a state in the administration of justice.
3. Article 90 of the Federal Constitution relates to special provisions on customary land in Negeri Sembilan.
4. A key feature of the Doctrine of Separation of Powers is that the same persons should not form part of more than one of the three organs of the government.
5. The arbitration case between Telekom Malaysia Berhad vs The Republic of Ghana (2005) relates to a dispute between a private company and a sovereign. This is under Public International Law.
6. Mick and Jason both live in the Cyberia condominium. One morning on his way to class, Mick hits Jason's car bumper while driving out of his parking space. Jason may recover damages from Mick by suing Mick in a civil court.
7. The Yang Di Pertuan Agong is the head of Islamic matters in the Federal Territories of Kuala Lumpur, Labuan and Putrajaya only.
8. The Superior and Subordinate Courts may make, amend or revoke judicial precedents under the Doctrine of Stare Decisis.
9. Mr. A stole RM150 from a convenience store in Cyberjaya at 11.00 pm yesterday. In a criminal case, the standard of proof for the case against Mr. A must be beyond any reasonable doubt.
10. Harta Pembawa, Harta Dapatan and Harta Sepencarian are the concepts on the distribution of matrimonial property under Adat Perpatih.
11. X and Y entered into a contract whereby X agreed to supply fresh fruits to Y's restaurant. This transaction is governed by Law on Contract which is under Private Law.
12. In the case of Sundralingam vs Ramanathan Chettiar (1967) 2 MLJ 211, the Federal Court decided that a High Court Judge cannot overrule the decision of another High Court judge, but he can choose not to follow that decision.
13. The doctrine of Parliamentary Supremacy does not apply to Malaysia because the powers of Parliament and the State Legislative Assemblies are limited by the Federal Constitution.

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14. At the Pre-Parliamentary stage in Dewan Rakyat (The Lower House), there are four (4) processes involved from the discussion of the proposal at the ministry level up to the Bill is ready to be introduced to Parliament.
15. Nikko is unhappy about the imposition of his 2018 income tax by the Malaysian Inland Revenue Board. He can file an appeal to the Special Commissioner of Income Tax no later than thirty (30) days from the date he received the notice of assessment.

SECTION B: MULTIPLE CHOICE QUESTIONS (30 MARKS)

16. State legislation refers to laws enacted by _____ under powers conferred on them by _____
 - A. Parliament; the Federal Constitution
 - B. State Legislative Assemblies; the State Constitution
 - B. Prime Minister; Delegated legislation
 - C. State Legislative Assemblies; Sultans and Governors
17. What is English Common Law?
 - A. Laws passed by the British Parliament
 - B. Delegated legislation
 - C. Powers exercised by the Queen
 - D. Case law made by the English judges
18. Which of the following accurately reflects the distinction between substantive law and procedural law?
 - A. Substantive law reflects the rules on procedure and evidence. Procedural law reflects the elements or conditions for the law to apply
 - B. Procedural law reflects the rules on procedure and evidence. Substantive law reflects the elements or conditions for the law to apply
 - C. Substantive law and Procedural law are synonymous
 - D. Substantive law and Procedural law are categorised under Domestic Law
19. In Statutory Interpretation, the Golden Rule is best described by which statement?
 - A. Words must be given their plain, ordinary meaning unless to do so will produce an absurd result
 - B. Words must be given their plain and ordinary meaning
 - C. Words must be interpreted to find the mischief intended by the legislatures
 - D. Words must be interpreted to find the purpose of the legislation

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20. The Federal Constitution highlights the distribution of power between the federal and State governments. What are the issues under the jurisdiction of the State Government?
- (i) Defence and foreign policy
 - (ii) Protection of wild life
 - (iii) Appointment of district officials
 - (iv) Agriculture and forestry
- A. (i) and (iii) only
 - B. (ii) and (iv) only
 - C. (ii), (iii) and (iv) only
 - D. (i), (ii) and (iii) only
21. At what stage can an amendment be made to the draft of a law being debated in Parliament?
- A. First Reading
 - B. Second Reading
 - C. Third Reading
 - D. Committee Reading
22. These two (2) provisions provide for the application of English law in Malaysia.
- A. Section 1 and 3 of the Civil Law Act 1956
 - B. Section 3 and 5 of the Civil Law Act 1956
 - C. Section 3 and 5 of the Specific Relief Act 1950
 - D. Section 1 and 3 of the Specific Relief Act 1950
23. The purposes of the Malaysian Bar Council are the followings **EXCEPT**:-
- A. To uphold the cause of justice without any personal interest
 - B. To ensure the safety of the Judge in any trial court
 - C. To provide of legal knowledge and trainings to members
 - D. To assist others with matters regarding the law
24. This body can hear claims not exceeding RM25,000 and no legal representation is allowed. Name this body.
- A. Industrial Court
 - B. Small Claims Court
 - C. Consumer Claims Tribunal
 - D. Magistrate Court
25. What does the Doctrine of the Separation of Powers mean for the Judiciary?
- A. All three branches of government should act together
 - B. The Judiciary should be kept separate from the Legislative and Executive functions of the state
 - C. The Executive should control the Judiciary
 - D. It does not apply to the Judiciary

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26. Under the amendments of the Subordinate Courts Act 2010, the jurisdiction of the Sessions Court and the Magistrates Courts have increased to _____ and _____ respectively.
- A. RM250,000; RM25,000
 - B. RM500,000; RM50,000
 - C. RM1 Million; RM250,000
 - D. RM2 Million; RM500,000
27. Milah bought a travel package to Korea worth RM15,000 with XYZ Travel Agency. She paid a deposit of RM5,000 and was supposed to depart from KLIA on 1 January 2019. However, on that date, Milah discovered that no one from XYZ Travel Agency turned up at KLIA. She felt cheated and wanted to take a legal action against XYZ Agency. Milah should file a legal action against XYZ Agency in which court?
- A. Sessions Court
 - B. Magistrate Court
 - C. Small Claims Court
 - D. Consumer Claims Tribunal
28. Which of the followings is **NOT** the function of the Conference of Rulers?
- A. The right to exercise veto powers in some constitutional amendments under the Federal Constitution
 - B. The right to nominate all five (5) judges in a Special Court
 - C. The power to dismiss the Yang Di Pertuan Agong
 - D. The power to deliberate on questions of national policy and any other matter it thinks fit
29. What is ratio decidendi?
- A. The underlying principle which determines and establishes the case
 - B. The oath administered to prospective jurors or witnesses to say what is true
 - C. A case accorded with a final judgment and no longer subject to appeal
 - D. A judge's observation that is not necessarily a part of the court's decision
30. Jake filed a legal case for wrongful dismissal against his employer, Syarikat Jambu Batu Sdn. Bhd in the Industrial Court. The Industrial Court dismissed his claim and he is unhappy with the said Award. Can Jake file an appeal against the decision of the Industrial Court?
- A. Yes, he can file an appeal in the High Court because the High Court is in the Superior Court category.
 - B. Yes, he can file an appeal in the Court of Appeal as the Court of Appeal has appellant jurisdiction.
 - C. No, he cannot file an appeal because the award of the Industrial Court is final and conclusive.
 - D. No, he cannot file an appeal because he has been given the opportunity to present his case and evidences before the Industrial Court.

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SECTION C: STRUCTURED QUESTIONS (40 MARKS)

31. Article 44 of the Federal Constitution vests the legislative authority of the Malaysia Parliament. Explain the **THREE (3)** types of Bills and the legislative process in Malaysia.
(20 marks)
32. Describe the differences between Civil Law and Criminal Law with regards to the parties, burden of proof, standard of proof, sanctions and examples.
(20 marks)

Total: 100 marks

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